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FISCAL IMPACT STATEMENT

LS 6133

BILL NUMBER: SB 74

NOTE PREPARED: Mar 27, 2003

BILL AMENDED: Mar 27, 2003

SUBJECT: Deceptive Commercial Electronic Mail.

FIRST AUTHOR: Sen. Ford

FIRST SPONSOR: Rep. Weinzapfel

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended)The bill provides that a person may not initiate or assist in the transmission of a commercial electronic mail message from a computer located in Indiana or to the electronic mail address of an Indiana resident if the message: (1) uses a third party's Internet domain name without permission of the third party; (2) otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of the electronic mail; or (3) contains false or misleading information in the subject line. The bill requires a person that sends unsolicited commercial electronic mail to place certain information in the subject line of the electronic mail and remove the electronic mail address of a person who requests to be removed from the sender's electronic mail lists. It authorizes an interactive computer service to block the receipt or transmission through its service of such electronic mail. The bill provides that the recipient of an unsolicited commercial electronic mail or an internet service provider has a right of action against the sender of an electronic mail message that violates the statute but not against an internet service provider and other persons involved in the transmission of the electronic mail message.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) *Court Fee Revenue:* A person that sends deceptive commercial e-mail commits a deceptive act that is actionable by a recipient of a violating email, or an interactive computer service. If a court finds that a person committed a deceptive act knowingly, the plaintiff may recover damages up to \$500 per violation. If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed. 70% of the filing fee would be deposited in the state General Fund if the case is filed in a court of

record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

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